(a) the details of Indian companies which have either merged with or have been acquired by multinational corporations with headquarters abroad since July, 1991;

(b) whether Government have considered the impact of such mergers and acquisitions on the degree of fair competition within the country ; and

(c) if so, whether Government would consider adoption of an upper threshold in respect of market shares beyond which the dominant firm in such mergers and acquisitions will be required to divest a part of its holdings ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) While there are cases of Indian Companies merging with other companies registered in India, there is no case of any company registered in India merging since July, 1991 with a foreign company incorporated outside India.

A foreign company may acquire shares of an Indian Company subject to such approvals as may be required. The list of foreign collaborations approved with increase in foreign equity during the period from August, 1991 to September, 1993 is given in the Annexure. [*See* Appendix CLXIX Annexure No. 62].

(b) The government has taken into consideration all such factors.

(c) Sections 23 and 24 of the M.R.T.P. Act 1969 have been omitted by the M.R.T.P. (Amendment) Act, 1991 with effect from 27-9-1991. The M.R.T.P. Commission is, however, empowered to look into allegations relating to the monopolistic, restrictive and unfair trade practices under the provisions of the said Act.

न्यायाधीशों के विरुद्ध उच्चतम न्यायालय में दर्ज किये गये मामले

3200. श्री चिमनभाई हरिभाई शुक्ल : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) वर्ष 1990, 1991, 1992 के दौरान और 30 नवम्बर, 1993 तक न्यायाधीशों के विरुद्ध भ्रष्टाचार के कितने मामले उच्चतम न्यायालय में दर्ज हुए और उनका राज्यवार ब्यौरा क्या है,

(ख) उपर्युक्त शिकायतों में से माननीय न्यायालयों में भ्रष्टाचार निरोध विभाग द्वारा दर्ज की गयी शिकायतों की संख्या क्या है और उनके क्या परिणाम निकले हैं,

(ग) इनमें ऐसे मामले, यदि कोई हों, जिन पर भ्रष्टाचार निरोध विभाग द्वारा कानूनी कार्यवाही की गयी हो उसके अलावा गुजरात के माननीय उच्च न्यायालय में दर्ज किये गये मामलों की संख्या क्या है, और

(घ) ऐसे मामलों में गुजरात के माननीय न्यायालय द्वारा क्या कदम उठाये गये हैं ?

विधि, न्याय और कंपनी कार्य मंत्रालय में राज्य मंत्री (श्री हंसराज भारद्वाज) : (क) से (घ) जानकारी एकत्र की जा रही है और सदन के पटल पर रख दी जाएगी।

STUDY OF TRIBUNAL SYSTEM BY LAW COMMISSION

3201. SHRI CHIMANBHAI HARIBHAI SHUKLA : Will the PRIME MINISTER be pleased to state :

(a) whether Government have asked the Law Commission to undertake a study of the entire tribunal system ;

(b) whether the Law Commission has submitted its report;

(c) if so, the main observations/recommendations made by the Commission; and

(d) the reaction of Government thereto and the action taken/proposed to be taken in this regard ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) The Supreme Court in R. K. Jain Vs. Union of India [JT 1993 (3) SC 297] had recommended that the Law Commission of India undertake a comprehensive study of the tribunals with a view to suggesting measures for their improved functioning and ensuring greater independence. The Commission has undertaken the necessary study in this regard.

(b) No, Sir.

(c) and (d) Do not arise.

COMMENTS BY CHIEF ELECTION COMMISSIONER ON CORRUPTION IN BUREAUCRACY

3202. PROF. SAURIN BHATTACHARYA : Will the PRIME MINISTER be pleased to state :

(a) whether Government are aware of the comments made by the Chief Election Commissioner regarding corruption in bureaucracy as published in the Pioneer dated the 27th November, 1993;

(b) if so, whether Government have ordered investigation to ascertain the facts and

(c) if not, the reasons therefor ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) The Government has seen the comments purportedly made by the Chief Election Commissioner as published in the Poineer dated 27th November, 1993.

(b) No, Sir.

(c) The comments do not prima facie establish any charge of corruption against any particular officer of the Government and, therefore, no useful purpose would be served in conducting any investigation in the matter.

RULING OF THE SUPREME COURT EMPOWERING CHIEF JUSTICE FOR THE APPOINTMENT OF JUDGES

3203. SHRI TINDIVANAM G. VENKATRAMAN : Will the PRIME MINISTER be pleased to state :

(a) whether the Central Government are aware of recent ruling of the Supreme Court that the appointment of High Court Judges be made by Chief Justice of the particular High Court;

(b) if so, whether this ruling erodes the power of the Government in appointing High Court Judges; and

(c) what steps have been taken by Government to get this Judgment reversed/modified ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : (a) to (c) Appointment of Judges in the High Courts are made by the President of India in terms of provisions of Article 217 of the Constitution of India.

For appointments in future, the Supreme Court has prescribed certain guidelines vide their judgment dated 6-10-1993 ; in writ petition (civil) No. 1303 of 1987—Supreme Court Advocates—on-Record Association and Another Vs. Union of India. This does not require any change in the provisions of the Constitution relating to appointment of Judges of the High Courts.

REMOVAL OF CLAUSE FROM THE HINDU MARRIAGE ACT AND SPECIAL MARRIAGE ACT.

3204. SHRI DAVID LEDGER : Will the PRIME MINISTER be pleased to state :